

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

Charles V. Reed,

Petitioner,

v.

Maggie Miller-Stout,

Respondent.

CASE NO. C11-2187 MJP

ORDER ADOPTING REPORT AND
RECOMMENDATION

THE COURT has reviewed Petitioner's petition for writ of habeas corpus (Dkt. No. 11), Respondent's answer (Dkt. No. 20), the Report and Recommendation of Magistrate Judge Mary Alice Theiler (Dkt. No. 31), Petitioner's objections (Dkt. No. 31), and all related documents in the record. In light of this review, the Court adopts the Report and Recommendation.

Petitioner's objections do not cure the time bar issue or raise new facts or contentions not addressed by the Report and Recommendation. Petitioner fails to support his argument that the statute of limitations for his habeas action should be calculated based on 28 U.S.C. §2244(d)(1)(C) or (D). His conclusory allegations of impediments to court access do not support equitable tolling and are contradicted by his numerous filings over several years in State court.

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2 Based on all of the pleadings, the Court does hereby find and Order:

- 3 (1) The Court adopts the Report and Recommendation;
4 (2) Petitioner's habeas petition and this action are DISMISSED, with prejudice;
5 (3) Petitioner's motions for an evidentiary hearing (Dkt. No. 26), to strike respondent's
6 answer (Dkt. No. 27), and to expand the record (Dkt. No. 28) are DENIED;
7 (4) Petitioner is DENIED issuance of a certificate of appealability.
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9 The clerk is ordered to provide copies of this order to all counsel.

10 Dated this 13th day of December, 2012.
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14 Marsha J. Pechman
15 Chief United States District Judge
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